

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE**

LOUISIANA-PACIFIC CORPORATION,)	
)	
Plaintiff/Counter-Defendant,)	
)	
v.)	CIVIL ACTION NO. 3:18-cv-00447
)	
JAMES HARDIE BUILDING PRODUCTS INC.,)	DISTRICT JUDGE JON P. McCALLA
)	
Defendant/Counter-Plaintiff/Third- Party Plaintiff,)	JURY DEMAND
)	
)	
v.)	
)	
THE KRUSE BROTHERS, INC.,)	
)	
Third-Party Defendant.)	

**DEFENDANTS' RESPONSE IN OPPOSITION TO
THIRD PARTY DEFENDANT'S MOTION TO CONTINUE**

James Hardie Building Products Inc. ("JH") respectfully files this opposition to the Motion to Continue filed on July 30, 2018 by Third-Party Defendant seeking to move the previously scheduled hearing on JH's motion for preliminary injunction. Third-Party Defendant's motion should be denied.

First, JH filed its motion for a preliminary injunction on July 12, 2018. The hearing on that motion was set by this Court for September 17-18, 2018. That is already over two months from the filing of the motion. Delaying the hearing another two weeks is an unreasonable length of time to wait for this time-sensitive matter when JH's rights are being prejudiced.

Second, a trial set for August 20-24 should not impact a hearing set for September 17-18. There is ample time in the two and a half weeks before the trial and three weeks after the trial to prepare. Certainly, the Court and all counsel in this case have busy schedules, and counsel for

JH has had to juggle schedules for other cases in order to accommodate the scheduling of Plaintiff's preliminary injunction hearing. A trial scheduled three weeks before a hearing is not just cause for rescheduling. JH will work with Third Party Defendant to make sure depositions are scheduled on dates other than August 20-24, just as it worked with counsel for Plaintiff in scheduling around Plaintiff's counsel's vacation.

Finally, the alternative dates suggested by Third Party Defendant result in too many deadlines set for the week before the hearing. Third Party Defendant has yet to propose any alternative deadlines to stay within the currently scheduled hearing; rather, they simply want to delay the hearing on Defendant's motion.

For the reasons stated, the hearing on JH's preliminary injunction motion should proceed as scheduled on September 17-18, 2018.

Respectfully submitted,

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/s/ Maia T. Woodhouse

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Counsel for James Hardie Building Products, Inc.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 30th day of July 2018, the foregoing was electronically filed. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. Parties may access this filing through the Court's electronic filing system.

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